

ZB# 05-35

Frances August

45-1-27

ZBA # OS-35 FRANCES August (AREA)
30 Continental Drive (45-1-27)

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 7-25-05



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

OFFICE OF THE ZONING BOARD OF APPEALS

November 28, 2005

Frances August
30 Continental Drive
New Windsor, NY 12553


SUBJECT: REQUEST FOR VARIANCE #05-35

Dear Mr. August:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,


Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 45-1-27

In the Matter of the Application of

**MEMORANDUM OF
DECISION GRANTING**

FRANCES AUGUST

AREA/INTERPRETATION

CASE #05-35

WHEREAS, Frances August, owner(s) of 30 Continental Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 2 ft. Side Yard Setback and; 1.5 ft. Total Side Yard Setback for proposed addition and; **INTERPRETATION** for Single Family Home with two kitchens; all at 30 Continental Drive in an R-4 Zone

WHEREAS, a public hearing was held on JULY 25, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The property is a single-family home to which the applicants propose to build an addition and they also propose to install a kitchen in the basement for use of the in-laws.

- (c) The applicants have acknowledged that their house is a single-family house and it will always remain a single-family house even if the second kitchen is permitted and that they will not seek to use it as a two-family house or to rent out this portion of the house.
- (d) With the addition, if permitted, the house will be similar in size and appearance to other homes in the neighborhood.
- (e) The additional kitchen, if permitted, will be serviced by the same utilities as services the rest of the house.
- (f) Construction of the addition will not create the ponding or collection of water or divert the flow of water drainage.
- (g) The addition is not on top of nor does it interfere with any easements, including, but not limited to water, sewer and electric easements.
- (h) The premises is currently occupied by a single family as defined in the New Windsor Town Law.
- (i) The premises is a single-family home and will remain a single-family home as defined by the Town of New Windsor Statutory Law.
- (j) The addition of a kitchen to the single-family home does not convert this home to a two or multi-family home and it does not change its legal status and a second kitchen in the home is permitted because it does not change the legal status of the home.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).
9. This property is a single-family residence.
10. The applicant has living with him a member of his family which, under the Town of New Windsor Zoning Code falls within the definition of single-family
11. The fact that this premises contains two kitchens does not make it a two-family residence. Notwithstanding the existence of two kitchens, the house is a single-family residence and its status as such has not changed.

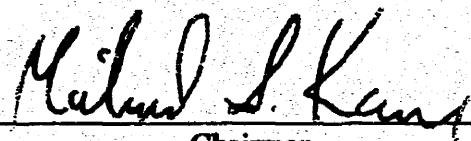
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 2 ft. Side Yard Setback and; 1.5 ft. Total Side Yard Setback for proposed addition and; **INTERPRETATION** for Single Family Home with two kitchens; all at 30 Continental Drive in an R-4 Zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: July 25, 2005


Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: May 23, 2005

**APPLICANT: Frances August
30 Continental Drive
New Windsor, New York 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: May 23, 2005

FOR : Frances August & Philip Santanasio

LOCATED AT: 30 Continental Drive

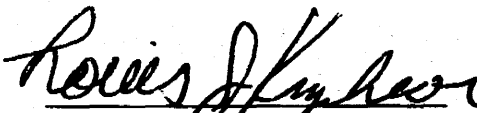
ZONE: R-4 Sec/Blk/ Lot: 45-1-27

COPY

DESCRIPTION OF EXISTING SITE: Single Family Dwelling with proposed addition

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. 300-10 USE/BULK TABLE R-4 ZONE LINE 6 COLUMN F Required side yard/both side yards (20'/40'). A variance of 2' side yard and 1.5' both side yards is required. Also request interpretation of use as a single family dwelling with two kitchens or a two family dwelling.**


BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-4 USE: Bulk Tables SINGLE FAMILY DWELLING			
MIN LOT AREA:			
MIN LOT WIDTH:			
REQ'D FRONT YD:			
REQ'D SIDE YD:	20'	18'	2'
REQ'D TOTAL SIDE TD:	40'	38.5'	1.5'
REQ'D REAR YD:			
REQ'D FRONTAGE:			
MAX BLDG HT:			
FLOOR AREA RATIO:			
MIN LIVABLE AREA:			
DEV COVERAGE:			

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Wall water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

RECEIVED

MAY 23 2005

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: PA2005-411

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises FRANCES AUGUST

Address 30 CONTINENTAL DR. NEW WINDSOR Phone # (845) 562-8440

Mailing Address _____ Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer _____

(Name and title of corporate officer) _____

1. On what street is property located? On the _____ side of _____
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 45 Block 1 Lot 27

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? _____

7. Dimensions of entire new construction. Front 17 Rear 17 Depth 24 Height 16' No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor 1

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____

Fee 50.00

PAID

ZONING BOARD

CK # 227

data

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Kryehar
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4885 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

* James August
(Signature of Applicant)

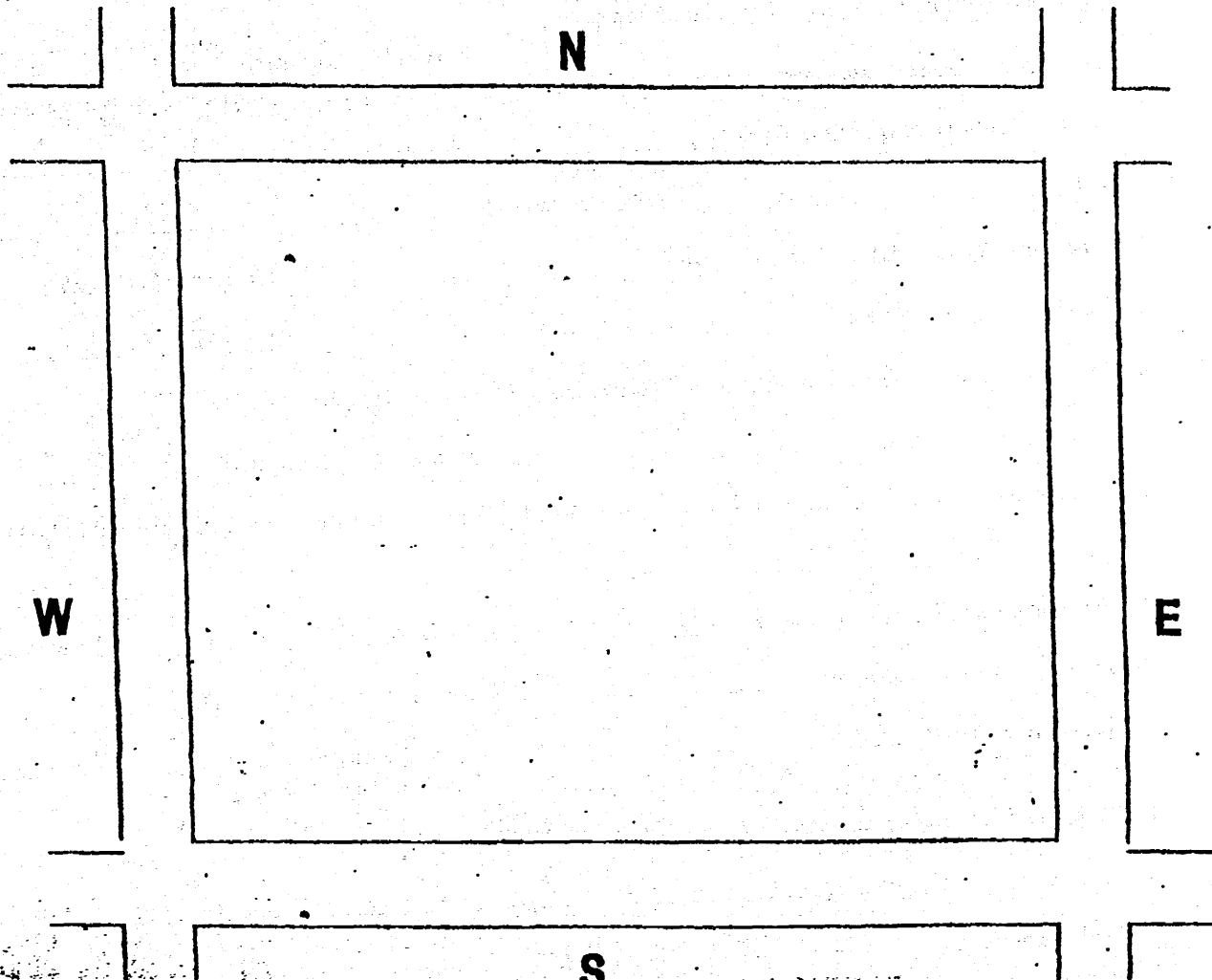
30 CONTINENTAL DR.
(Address of Applicant)

X James August
(Owner's Signature)

(Owner's Address)

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



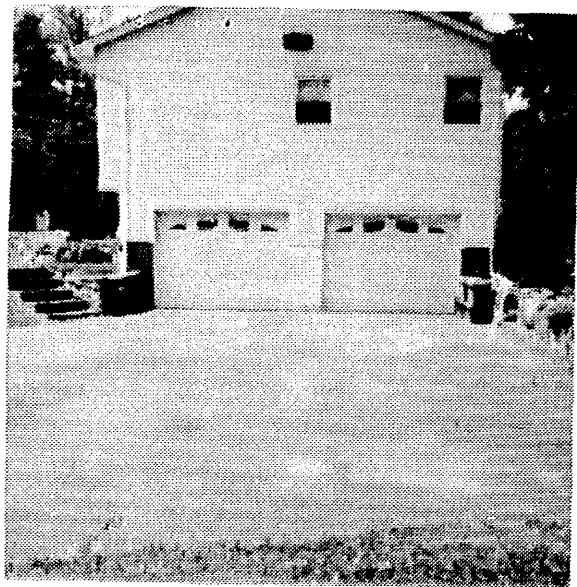
PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT

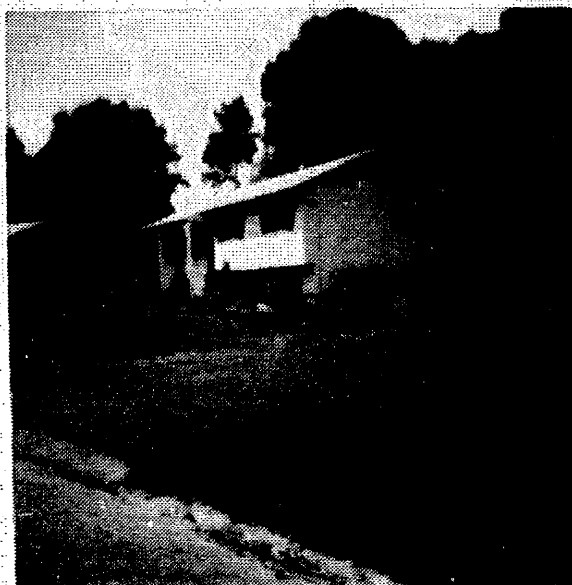
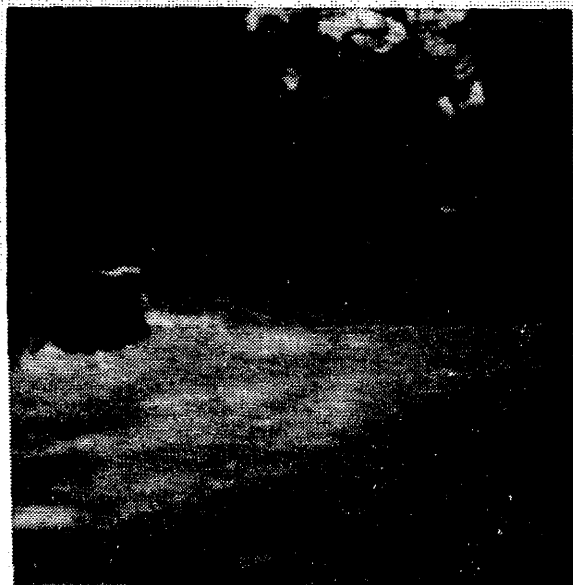
w/f Jones
L. Z 442, P 163

1. Unwarranted alteration or addition
and is a violation of section 7205
2. Only copies from the original of a
land and or his enclosed and at
3. Certifications indicated herein sign
the existing Code of Practice for
Association of Professional Land
person for whom the survey is prepared

Continental Drive







**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: AUGUST 31, 2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 147.31 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-35

NAME & ADDRESS:

**Frances August
30 Continental Drive
New Windsor, NY 12553**

THANK YOU,

MYRA

LR8-31-05



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS



FILE #05-35 TYPE: AREA TELEPHONE: 562-8440

APPLICANT:

Frances August
30 Continental Drive
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # 244
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK #245



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>4</u>	PAGES	\$ <u>22.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	___	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>2</u>	PAGES	\$ <u>11.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	___	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 7-13-05 \$ 49.69

TOTAL: \$ 82.69 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 152.69

AMOUNT DUE: \$ _____

REFUND DUE: \$ 147.31

Cc:

L.R. 8-31-05

FRANCIS AUGUST (05-35)

MR. KANE: Tonight's last public hearing is Francis August Request for 2 ft. Side Yard Setback and; 1.5 ft. Total Side Yard Setback for proposed addition and; **INTERPRETATION** for Single Family Home with two kitchens; all at 30 Continental Drive. Repeat exactly what we did in the preliminary meeting again, tell us what you want to do.

MS. AUGUST: We would like to build an extension off of our home using the two-car garage and then out from the two-car garage.

MR. KANE: And the purpose for the extension.

MS. AUGUST: Is to bring my in-laws who are up there in age and not healthy.

MR. KANE: Adding the addition, will you be cutting down any trees or substantial vegetation.

MS. AUGUST: No.

MR. KANE: Creating any water hazards or runoff.

MS. AUGUST: No.

MR. KANE: Any easements in the area where the addition is going to be.

MS. AUGUST: No.

MR. KANE: With the addition added to the house, will the house still be similar to size and nature to other homes that are in your neighborhood.

MS. AUGUST: Yes.

MR. KANE: The addition of a second kitchen will everything be on one electric.

MS. AUGUST: Yes.

MR. KANE: Coming in. One gas meter coming in so there is no possibility or no intended use as a second apartment.

MS. AUGUST: No.

MR. KRIEGER: In other words, this is a single-family home and if the variance were allowed, it would remain a single-family home, it will always be a single-family home and you would market it as a single-family home.

MR. KANE: Leave it to the lawyer. Let me open it up to the public and ask if anybody is here for this particular hearing. No, we will close the public portion, bring it back to the Board and ask Myra how many mailings we had.

MS. MASON: On July 14th I mailed out 48 envelopes and had no responses.

MR. KANE: Ok, I have no further questions myself, any other questions from the board. I would like a two-step, a granting of the variances and then an interpretation for the kitchen.

MS. GANN: I'll offer a motion that we grant the application for Francis August's request for a 2 ft. side yard setback and a 1.5 ft. total side yard setback for proposed addition. and secondly for Francis August to grant the application for an interpretation for a Single-Family Home with two kitchens all at 30 Continental Drive in an R-4 Zone.

MR. REIS: Second it.

ROLL CALL:

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

MR. KANE: I need to do one thing that I skipped in the beginning. Can I have a motion to accept the minutes from the meeting of June 13th, 2005.

MR. REIS: So be it.

MS. LOCEY: I'll second it.

ROLL CALL:

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

Respectfully submitted,

Myra Mason (from taped meeting)

PRELIMINARY MEETINGS:

FRANCES AUGUST (05-35)

Mr. and Mrs. August appeared before the board for this proposal.

MR. KANE: Request for 2 ft. side yard setback and 1.5 ft. total side yard setback for proposed addition and interpretation for single family home with two kitchens all at 30 Continental Drive. Just speak up clearly so that young lady over there can hear you and tell us what you want to do.

MS. AUGUST: We'd like to add the addition so that our, my in-laws can come to live, they can no longer handle the stairs, they need a one level so we just want to add a kitchen, a living room which is using the garage, the two garages and then going out into the driveway to build a bedroom.

MR. KANE: So we'll take it as two separate things, first thing the side yard setback and total side yard setback for the addition, the addition itself is it going to make the home bigger than other homes that are in your neighborhood per se?

MR. AUGUST: I'm not really sure about that, I don't know, there are two additions on that same street, no.

MR. KANE: Cutting down any trees, substantial vegetation in the building of the addition?

MR. AUGUST: No.

MR. KANE: Will you be creating any water hazards or runoffs with the building?

MR. AUGUST: No.

MR. KANE: As far as the interpretation portion, the second kitchen then the addition is going to be for your relatives?

MR. AUGUST: Yes.

MR. KANE: It's going to be easy access from the home into this, it's not going to be a total separate apartment per se?

MR. AUGUST: No.

MR. KANE: All on one meter going into the house?

MR. AUGUST: Yes.

MR. KANE: One gas, one electric?

MR. AUGUST: Yes.

MR. KANE: Well when we get to the public we'll be asking you the same questions. Again, we're going to have it on record that this will never be used as a two-family home or as a rentable apartment, that's what we're going to do, that's usually why we get you in for the interpretations, we don't want any illegal two family homes. Let me open it up to the rest of the board, see if they have any further questions.

MR. REIS: Just for the record you're not expanding the structure in any way exterior?

MR. BABCOCK: Yes.

MR. AUGUST: Yes, we have an addition.

MR. KANE: They're converting the garages into an addition and making just a little bit bigger.

MR. REIS: You're expanding then?

MR. BABCOCK: The addition is 17 x 24.

MR. REIS: Thank you.

MR. KANE: Anybody else? I'll accept a motion.

MS. GANN: I'll offer a motion that we set up Frances August for a public hearing for their request for a two foot side yard setback and 1.5 foot total side yard setback for proposed addition and interpretation.

MR. KANE: Set them up for an interpretation of a second kitchen.

MS. GANN: Okay, with a second kitchen all at 30 Continental Drive in an R-4 zone.

MS. LOCEY: I'll second that motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

MR. KANE: Now for everybody in particular who's here for a preliminary meeting, what New Windsor does we hold two meetings, one's preliminary, gives us a chance to get an idea of what you want to do, a lot of towns you walk in cold and if you don't have the right information you've got to wait months before you come back. So what New Windsor does we get you in here, figure out what you have, if you have enough information, if we need something else from you, we can get it then, we do everything legally has to be done in a public hearing so the next step would be the public hearing, seems like it's a two step process and a waste

June 27, 2005

5

of time but for some people it really helps them.

MR. AUGUST: At this point there's nothing that you need further?

MS. MASON: Tells you right there.

MR. KANE: All right there.

MR. AUGUST: Thank you very much.



RESULTS OF Z.B.A. MEETING OF:

July 5, 2005

PROJECT: Frances August

ZBA # 05-35
P.B.#

USE VARIANCE: NEED: EAF PROXY



LEAD AGENCY: M) S) VOTE: A N

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y_____N_____

PUBLIC HEARING: M)_____ S)_____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y_____N_____
REIS _____
KANE _____

NEGATIVE DEC: M) S) VOTE: A N

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M) S) VOTE: A N

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A N

GANN
LOCEY
BROWN
MCDONALD
REIS
KANE

CARRIED: Y_____ N_____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) G S) RS VOTE: A__ N___. *Area*
A G RS *Interpretation*

GANN	A
LOCEY	A
BROWN	A
MC DONALD	
REIS	A
KANE	A

CARRIED: Y N

[illegible]

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

AFFIDAVIT OF SERVICE BY MAIL


X

MYRA L. MASON, being duly sworn, deposes and says:

That on the 13TH day of JULY, 2005 , I compared the 48 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Myra L. Mason
Myra L. Mason, Secretary

25th day of July, 2005


Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

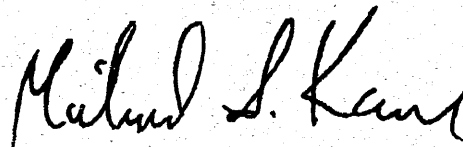
Appeal No. 05-35

Request of FRANCES AUGUST

for a VARIANCE of the Zoning Local Law to Permit:

Request for 2 ft. Side Yard Setback and; 1.5 ft. Total Side Yard Setback for proposed addition and; INTERPRETATION for Single Family Home with two kitchens; all at 30 Continental Drive in an R-4 Zone (45-1-27)

PUBLIC HEARING will take place on JULY 25, 2005
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

7/25
Agenda

Assessors Office

July 5, 2005

Frances August
30 Continental Drive
New Windsor, NY 12553

Re: 45-1-27 ZBA#: 05-35 (48)

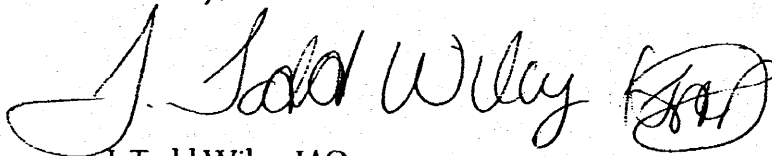
Dear Ms. August:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's Office.

Sincerely,


J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

<p>42-1-18 Ruth Bakker 20 Lannis Avenue New Windsor, NY 12553</p>	<p>42-1-20 Robert Pavignano 62 Woodward Terrace Central Valley, NY 10917</p>	<p>42-1-21 John & Mary Craig 22 Lannis Avenue New Windsor, NY 12553</p>
<p>42-2-11 Gary & Rosemary McDermott 18 Mark Street New Windsor, NY 12553</p>	<p>42-2-12 Steven Catania 19 Lannis Avenue New Windsor, NY 12553</p>	<p>45-1-1.1 Genevieve Masloski 24 Lannis Avenue New Windsor, NY 12553</p>
<p>45-1-1.21 & 43 Edward & Loretta Trizinsky 309 Windsor Highway New Windsor, NY 12553</p>	<p>45-1-1.22 Leone Properties, LLC 348 Route 32 P.O. Box 141 Central Valley, NY 10917</p>	<p>45-1-2.1 Leonard Grimando 22 Mark Street New Windsor, NY 12553</p>
<p>45-1-2.2 Felipe Antonio Taveras Cynthia Burgas 20 Mark Street New Windsor, NY 12553</p>	<p>45-1-22 Charles Spreer 20 Continental Drive New Windsor, NY 12553</p>	<p>45-1-23 Timothy & Theresa Wersebe 22 Continental Drive New Windsor, NY 12553</p>
<p>45-1-24 Lucille Greiner 24 Continental Drive New Windsor, NY 12553</p>	<p>45-1-25 Vincent & Joan Granieri 26 Continental Drive New Windsor, NY 12553</p>	<p>45-1-26 Samuel, Ruby & Leon Jones 28 Continental Drive New Windsor, NY 12553</p>
<p>45-1-28 Joseph & Lillian Harris 32 Continental Drive New Windsor, NY 12553</p>	<p>45-1-29 Rudolph & Elsie Rivera 34 Continental Drive New Windsor, NY 12553</p>	<p>45-1-30 Laurel & George Heine, Jr. 36 Continental Drive New Windsor, NY 12553</p>
<p>45-1-31 William & Christine Gegenheimer 38 Continental Drive New Windsor, NY 12553</p>	<p>45-1-32 Javier & Norma Garcia 40 Continental Drive New Windsor, NY 12553</p>	<p>45-1-33 Gerald & Deborah Wynters Herbert Milch 42 Continental Drive New Windsor, NY 12553</p>
<p>45-1-34 Thomas & Catherine Durkin 44 Continental Drive New Windsor, NY 12553</p>	<p>45-1-4.1 Rottmeier Family Trust 4699 S. Atlantic Avenue Ponce Inlet, FL 32127</p>	<p>45-1-40.21 Planet Wings of New Windsor 24 Sunnyside Avenue Middletown, NY 10940</p>
<p>45-1-40.23 William Horowitz, Corp. 6 Hamilton Drive East North Caldwell, NJ 07006</p>	<p>45-1-41.1 Charles Catanzaro 26 Susan Drive Newburgh, NY 12550</p>	<p>45-1-42 Susan Schatz 73 Blooming Grove Tpke New Windsor, NY 12553</p>
<p>45-2-1 Alexander & Patricia Milne 27 Continental Drive New Windsor, NY 12553</p>	<p>45-2-2 Joan & Walter Marvel, III 25 Continental Drive New Windsor, NY 12553</p>	<p>45-2-3 Kathy & Charles Hunter, Jr. 15 Musket Place New Windsor, NY 12553</p>

45-2-4 Peter & Dolores Valentino 13 Musket Place New Windsor, NY 12553	45-2-5 James & Jennifer Mitru 11 Musket Place New Windsor, NY 12553	45-2-6 Christopher & Jeannine Leggett 9 Musket Place New Windsor, NY 12553
45-2-15 Steven Ponesse Dawn Marie Mulder 33 Continental Drive New Windsor, NY 12553	45-2-16 Steven & Sheila DeCicco 31 Continental Drive New Windsor, NY 12553	45-2-17 Edward & Lenore Smith 29 Continental Drive New Windsor, NY 12553
45-3-1 Donald & Karen Fassbender 8 Musket Place New Windsor, NY 12553	45-3-2 Michael & Denise Kirk 26 Parade Place New Windsor, NY 12553	45-3-3 Frank Ceriello 24 Parade Place New Windsor, NY 12553
45-3-8 Ronald & Diane Buckner 16 Cannon Drive New Windsor, NY 12553	45-4-1 Kenneth & Catherine Rose 21 Continental Drive New Windsor, NY 12553	45-4-2 Robert & Annette Gaydos 19 Continental Drive New Windsor, NY 12553
45-4-3 Alfredo & Elizabeth Lavigat 17 Continental Drive New Windsor, NY 12553	45-4-4 Joseph Cardona 15 Continental Drive New Windsor, NY 12553	45-4-18 Margaret & Jeffrey Pagano 31 Parade Place New Windsor, NY 12553
45-4-19 William Brentnall, Jr. 33 Parade Place New Windsor, NY 12553	45-4-20 Kevin & Jennifer Doyle 35 Parade Place New Windsor, NY 12553	45-4-21 Marguerite Brodeski 10 Musket Place New Windsor, NY 12553

Town of New Windsor
ZONING BOARD OF APPEALS

PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-35
Request of FRANCES AUGUST
for a VARIANCE of the Zoning Local Law to Permit:

Request for 2 ft. Side Yard Setback and; 1.5 ft. Total Side Yard Setback for proposed addition and; INTERPRETATION for Single Family Home with two kitchens; all at 30 Continental Drive in an R-4 Zone (45-1-27)

PUBLIC HEARING will take place on July 25, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE
CHAIRMAN

Ad Number: 1776809 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: MYRA MASON

INVOICING CUSTOMER:

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

ORDER:

Printed By: THRFODRIL Date: 07/08/2005 Assigned Sales: TownofNewWindsor ZONINGBOARDOFAPPEALS AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

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Schedule: Start Date - 07/13/2005 End Date - 07/13/2005

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PRODUCTION:

Text Size: 2 x 27.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

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1 of 3

TIMES HERALD-RECORD

40 Mulberry Street, Middletown, NY 10940

State of New York:

County of Orange: ss:

Meghan Galewski

Being duly sworn deposes and says that the ORANGE COUNTY PUBLICATIONS Division of Ottaway Newspapers-Radio, Inc. is a corporation organized under the laws of the State of New York and is, at all the times hereinafter mentioned, was the printer and publisher of The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Rockland, Dutchess, Pike, PA, Delaware and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York, that deponent is the

Legal Advertising Rep.

of said The Times Herald-Record acquainted with the facts hereinafter stated, and duly authorized by said Corporation to make this affidavit; that the

Public Notice

a true printed copy of which is hereunto annexed, has been duly and regularly published in the manner required by law in said The Times Herald-Record in each of its issues published upon each of the following dates, to wit: In its issues of

7/13/05

Signature of Representative:

Meghan Galewski

Sworn in before me this

15th

Day of

July

2005

Gretchen Pina Breedy

Notary Public, Orange County

GRETCHEN PINA BREEDY
NOTARY PUBLIC FOR THE STATE
OF NEW YORK, ORANGE COUNTY
OATH / SIGNATURE IS ON FILE
COMMISSION EXPIRES 11/29/2005



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

July 20, 2005

Frances August
30 Continental Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-35

Dear Sir or Madam:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

30 Continental Drive
New Windsor, NY

is scheduled for the JULY 25, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

RECEIPT OF ESCROW RECEIVED:

FOR: **ESCROW 05-35**

Frances August
30 Continental Drive
New Windsor, NY 12553

TELEPHONE: 562-8440

AMOUNT: 300.00

NAME W. J. [Signature] DATE 6/22/65

THANK YOU

ZBA-# 05-35 Application fee

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#565-2005

06/22/2005

Santanasio/Frances August -
30 Continental Dr.
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees, on 06/22/2005. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



RESULTS OF Z.B.A. MEETING OF: June 27, 2005

PROJECT: Frances August ZBA # 05-35
P.B.# _____



USE VARIANCE: _____ NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) G S) L VOTE: A 5 N 0

GANN A
LOCEY A
BROWN A
~~MCDONALD~~
REIS A
KANE A

CARRIED: Y ☒ N _____

PUBLIC HEARING: _____ STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MC DONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

One meter for electric
To be used as single family home w/ two kitchens



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

ZONING BOARD OF APPEALS

June 21, 2005

Frances August
30 Continental Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-34

Dear Sir or Madam:

This letter is to inform you that you have been placed on the June 27th, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

30 Continental Drive
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

5/31/05
Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☐ Interpretation ☐

I. Owner Information:

Phone Number: (845) 562-8440
FRANCES AUGUST & PHILIP SANTANTASIO Fax Number: ()
(Name)
30 CONTINENTAL DR. NEW WINDSOR, N.Y. 12553
(Address)

II. Applicant:

Phone Number: ()
(Name) Fax Number: ()
(Address)

III. Forwarding Address, if any, for return of escrow:

Phone Number: ()
(Name) Fax Number: ()
(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number (845) 236-3473
Fax Number: ()
WILLIS C. HAWKINS
(Name)
35 BRIARWOOD LANE, MARLBOROUGH N.Y. 12542
(Address)

V. Property Information:

Zone: R-4 Property Address in Question: 30 CONTINENTAL DR.
Lot Size: _____ Tax Map Number: Section 45 Block 1 Lot 27
a. What other zones lie within 500 feet? _____
b. Is pending sale or lease subject to ZBA approval of this Application? _____
c. When was property purchased by present owner? _____
d. Has property been subdivided previously? _____ If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? _____
f. Is there any outside storage at the property now or is any proposed? _____

******PLEASE NOTE:*******

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	20'	18'	2'
Total Side Yd	40'	38.5'	1.5'
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

WE WOULD LIKE TO BRING MY
IN-LAWS TO LIVE, DUE TO POOR HEALTH. THEY BOTH CAN
NO LONGER CLIMB STAIRS OR BE LEFT ALONE. MY FATHER
IN-LAW IS CURRENTLY IN THE HOSPITAL AND HAD A
PARTIAL AMPUTATION OF HIS FOOT. HE IS ALSO A SEVERE
DIABETIC AND HAS HAD OPEN HEART SURGERY. MY MOTHER
IN-LAW HAS A BAD HEART AND HAS HAD SURGERY ON
BOTH HER KNEES. THEY ARE BOTH IN THEIR 70'S AND IT
HAS BEEN ADVISED BY THE DOCTORS THAT THEY NEED
SOMEONE TO CARE FOR THEM.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
 - ☒ One in the amount of \$ 300.00 or 500.00 (escrow)
 - ☒ One in the amount of \$ 50.00 or 150.00 (application fee)
 - ☒ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☒ **Photographs of existing premises (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

7th day of June 2005

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006

Signature and Stamp of Notary

Frances August
Owner's Signature (Notarized)

FRANCES AUGUST
Owner's Name (Please Print)

Applicant's Signature (If not Owner)

DL# 351-452-109
exp. 12-23-11

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)

6/27



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (**LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE**) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** DEPOSIT FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".



ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.